

1 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives -
2 Unless Amended]

3 **Resolution opposing California State Senate Bill No. 50, authored by Senator Scott**
4 **Wiener, which would undermine community participation in planning for the well-being**
5 **of the environment and the public good, prevent the public from recapturing an**
6 **equitable portion of the economic benefits conferred to private interests, and**
7 **significantly restrict San Francisco's ability to protect vulnerable communities from**
8 **displacement and gentrification, unless further amended.**

9
10 WHEREAS, The California State Legislature is currently considering passage of State
11 Senate Bill No. 50 (SB 50), which would entitle real estate developers to increase ~~both~~
12 residential and mixed-use development with significantly less public review, and in excess of
13 many existing local community plans, which are often developed ~~often~~ after extensive public
14 participation ~~and~~, in concert with our regional governing agencies and consistent with state
15 planning mandates; and

16 WHEREAS, SB 50 ~~would incentivize~~ incentivizes private market-rate housing
17 development unaffordable to most San Franciscans without guaranteeing increased
18 affordable housing development, ~~while 94~~ even though the San Francisco Planning
19 Department's Housing Development Pipeline report shows San Francisco has met 100
20 percent of the City's market-rate its Regional Housing Needs Assessment goal for above-
21 moderate housing ~~goals~~ through the year 2022 ~~have already been met and~~ but less than 30
22 percent of moderate and low-income housing goals ~~have been met, according to; and has~~
23 72,565 units in the Planning Department's development pipeline report with only 20%
24 affordable units, despite the fact that 57% of the need is for affordable housing; and

1 WHEREAS, The City and County of San Francisco along with many other communities
2 is striving to address the social and environmental impacts of regional growth of private
3 industry, which include displacement of low-income seniors, working families, and
4 communities of color, and strained public transit and infrastructure; and ~~the City has been~~
5 ~~most successful managing this growth through the adoption of community-driven local plans;~~
6 ~~and~~

7 WHEREAS, ~~SB 50 establishes an optional and only temporary exception from its~~
8 ~~mandated development incentives for formulaically defined ‘Sensitive Communities’ with the~~
9 ~~apparent purpose of controlling displacement while expanding~~The City has been most
10 successful managing this growth; through the adoption of local community plans, which
11 included significant upzoning and subsequent housing production, and

12 ~~WHEREAS, SB 50 restricts the~~ City’s ~~ability of the city to adopt long-term zoning and~~
13 ~~land-use policies~~local community plans to assure equitable and affordable development in all
14 its neighborhoods; ~~denies the city the ability and~~

15 ~~WHEREAS, SB 50 undermines sound public policy to adjust or expand the~~
16 ~~boundaries~~capture some of ~~these protected neighborhoods based upon community testimony~~
17 ~~and additional research;~~the value created through upzoning policy to be used for affordable
18 housing, and SB 50’s instead confers significant value to private properties through upzoning
19 policy without increasing affordability requirements for San Francisco, without recognizing or
20 conforming to the standards of the City’s established “HomeSF” program which increases
21 specific affordable housing requirements in exchange for projects receiving height and density
22 increases; and

23 ~~WHEREAS, SB 50 formulaically defines “sensitive communities” and only establishes~~
24 ~~an optional and~~ temporary ~~‘Sensitive Communities’ exemption~~deferral for “sensitive

1 communities”, which is insufficient to meet its apparent purpose to control displacement while
2 expanding growth; and

3 WHEREAS, SB 50 fails to encompass many ~~of the~~ areas threatened by development–
4 driven displacement and gentrification, including parts of the Mission, Chinatown, ~~Western~~
5 ~~South of Market~~ SoMa, Portola, the Bayview, Castro, Inner Richmond and others; and denies
6 the City the ability to adjust or expand the boundaries of “sensitive communities” based upon
7 research and community testimony; and

8 ~~WHEREAS, Neighborhoods outside “Sensitive Communities” targeted by SB50 in hot~~
9 ~~market cities like San Francisco can also experience hidden gentrification and~~ WHEREAS, SB
10 50, by incentivizing market-rate development, will exacerbate displacement pressures in
11 neighborhoods not in a “sensitive community”, which experience gentrification in hot-markets
12 cities like San Francisco, including ~~on~~ displacement of working-class, cash–poor homeowners,
13 ~~and experience significant barriers for affordable housing production, such that raising land~~
14 ~~values through upzoning without the certainty of affordable units getting built in these~~
15 ~~neighborhoods will exacerbate pressures and; and will exacerbate~~ barriers to develop non-
16 speculative, permanently–affordable housing in these neighborhoods, which already have
17 significant barriers to affordable housing production, especially ~~where there is no~~ in
18 neighborhoods without a local community plan to facilitate and guide increased development;
19 and

20 ~~WHEREAS, The upzoning proposed by SB 50 confers significant value to properties~~
21 ~~for increased development opportunity and yet is not tied to any increased affordability~~
22 ~~requirements for San Francisco above and beyond the baseline Inclusionary standard already~~
23 ~~required of development projects, which undermines sound public policy that requires any~~
24 ~~substantial value created by density increases or other upzoning be used, at least in part, to~~
25 ~~provide a meaningful net increase in affordable housing; and~~

1 ~~WHEREAS, While SB 50's provisions standing~~WHEREAS, SB 50 alone ~~may~~
2 ~~appear~~appears to preserve local demolition controls and other local planning processes,
3 ~~without further clarifying amendments, the combination of SB 50's development incentives~~but
4 ~~when combined~~ with other state laws ~~undermines~~such as SB 330, undermines the ability of
5 local governments to protect existing tenants, housing, and small businesses, and to raise
6 affordability requirements, and otherwise advance the public good, ~~specifically~~ through
7 ~~demolition controls and local~~ community ~~driven local~~ plans; now, therefore, be it

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
9 ~~joins with other local jurisdictions and a growing statewide coalition of housing advocates in~~
10 ~~opposing~~continues to oppose SB 50 unless amended to cure these concerns; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
12 Francisco is committed to working with its State Legislative Delegation to craft the necessary
13 amendments to SB 50 ~~in order to adequately to protect San Francisco's sovereign charter~~
14 authority, guarantee housing affordability, and adequately protect vulnerable communities,
15 ~~and protect San Francisco's sovereign charter authority;~~ and, be it

16 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
17 Francisco requests that SB 50 be amended to ~~address significant concerns regarding:~~

- 18 ~~1) Use of SB 50 as the base zoning for purposes of calculating the State~~
19 ~~Density Bonus;~~
- 20 ~~2) Additional incentives or concessions;~~
- 21 ~~3) The authority of local jurisdictions to deny demolition permits to~~
22 ~~code-complying SB 50 projects which involve demolition of existing~~
23 ~~residential units;~~
- 24 ~~4) Local authority to increase inclusionary requirements on SB 50 projects;~~
- 25 ~~5) Use of SB 50 incentives for construction of 'monster homes;'~~

- 1 ~~6) Treatment of extant and future local Area Plans that increased zoned~~
2 ~~capacity to levels akin to SB 50;~~
3 ~~7) Amend application of Costa Hawkins and the Ellis Act to allow for greater~~
4 ~~tenant protection in sensitive communities; and~~
5 ~~8) A meaningful process for community feedback on the proposed boundaries~~
6 ~~of sensitive communities; and, be it~~

7
8 1) Ensure SB 50 not apply within areas in San Francisco subject to a local community
9 plan that resulted in increased density and affordable housing benefits from
10 previous zoning. This includes plans a local government has adopted or is in the
11 process of adopting. SB 50 could include a provision for local governments to “opt-
12 in” to SB 50 state land-use interventions for a local community plan area as early as
13 July 1, 2021, pursuant to consultation with community-based organizations in the
14 particular area

15
16 2) Ensure communities in hot-market cities, like San Francisco which is meeting or
17 exceeding its Regional Housing Needs Assessment production goals for above-
18 moderate income housing, are afforded sufficient opportunity to create local
19 community plans and submit draft EIRs by January 2026 in lieu of SB 50 state land
20 use preemptions. This local community plan alternative shall include, at a minimum:

- 21 a. Rezoning to permit multifamily housing development at a range of income
22 levels to meet unmet needs, as informed by the Regional Housing Needs
23 Assessment production goals
24 b. Substantial increases to overall housing development capacity, particularly
25 near transit stops, to meet unmet needs, as informed by the Regional

1 Housing Needs Assessment and in the context of existing zoned residential
2 development capacity

3 c. Increased and explicit affordable housing benefits that meet or exceed the
4 minimum affordability standards set forth in SB 50, and meet or exceed the
5 existing local baseline Inclusionary standard for development projects

6 d. Increased displacement and demolition protections for vulnerable residents
7 that meet or exceed the standards set forth in SB 50

8 SB 50 should exempt San Francisco from SB 330 and other state laws that would
9 render this local community plan alternative with its minimum requirements
10 infeasible.

11
12 3) Ensure Sensitive Communities in San Francisco are properly delineated and
13 exempted from SB 50. The definition shall aim to include all residents at risk of
14 displacement and areas with a history of community gentrification and
15 displacement. The “sensitive community” definition in San Francisco shall be
16 informed by the 11/25/19 “heightened sensitivity” map prepared by the UC Berkeley
17 Urban Displacement Project and conform, at a minimum, to the 12/11/18 map
18 prepared by the Equity Caucus of the Committee to House the Bay Area (CASA)
19 Geography Working Group. SB 50 could include a provision to “opt-in” to SB 50
20 state land use interventions for a “sensitive community” as early as July 1, 2021,
21 pursuant to consultation with community-based organizations in the particular area

22
23 4) Ensure all SB 50 projects are required to make affordable housing contributions
24 substantially higher than existing local affordable housing standards potentially
25 applicable for the site. In San Francisco, affordable housing requirements should be

1 commensurate to the City's "HomeSF" program standard for progressive value
2 capture

3 5) Ensure clear and strong tenant protection, anti-vacancy, and anti-demolition
4 provisions - with sufficient and robust state funding, programming, and enforcement
5 - to protect all tenants from displacement triggered by SB 50 upzoning
6

7 6) Ensure areas impacted by SB 50 showing demonstrable efforts to increase housing
8 (e.g. entitlements) receive increased transportation incentives, especially where
9 services and infrastructure are currently inadequate, subject to delays and
10 overcrowding, and/or deficient in their state of repair. Transportation incentives tied
11 to SB 50 could include, but is not limited to:

12 a. Direct capital and service investments through a bonus pot of grant funds
13 tied to housing provision, a higher share of formula funds distributed by the
14 state (e.g. LCTOP/Low Carbon Transit Operations Program) for associated
15 projects and programs, priority in state-funded competitive grant programs
16 (e.g. TIRCP/Transit Intercity Rail Capital Program and AHSC or Affordable
17 Housing/Sustainable Communities cap and trade funds), and
18

19 b. Allowances for jurisdictions to impose private sector development impact
20 fees, CEQA exemptions for public transportation projects for land use
21 changes triggered by SB 50, and/or funds for local community transportation
22 planning; and, be it
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1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
2 Francisco directs the Clerk of the Board to transmit copies of this resolution to the State
3 Legislature and the City Lobbyist upon passage.